

Traffic Accidents

501.1 PURPOSE AND SCOPE

This policy provides guidelines for responding to and investigating traffic accidents.

501.2 POLICY

It is the policy of the Easton Police Department to respond to traffic accidents and to render or summon aid to injured victims as needed. The Department will investigate and prepare reports according to established minimum reporting requirements with the goal of reducing the occurrence of accidents by attempting to identify the cause of the accident and through enforcing applicable laws. Unless restricted by law, accident reports will be made available to the public upon request.

501.3 RESPONSE

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

- (a) Is within the jurisdiction of this department and there is:
 - 1. A life-threatening injury.
 - 2. A fatality.
 - 3. A Town official or employee involved.
 - 4. Involvement of an on- or off-duty member of this department.
- (b) A supervisor should be notified when the incident:
 - 1. Is within another jurisdiction and there is:
 - (a) A departmental vehicle is involved.
 - 2. Involvement of an on-duty member of this department.

501.3.1 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

- (a) Traffic direction and control.
- (b) Proper placement of emergency vehicles, cones, roadway flares or other devices if available to provide protection for members, the public and the scene.
- (c) First aid for any injured parties if it can be done safely.
- (d) The potential for involvement of hazardous materials.
- (e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, HAZMAT, tow vehicles.)

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- (f) Clearance and cleanup of the roadway.

501.4 NOTIFICATION

If a traffic accident involves a life-threatening injury or fatality, the responding officer shall notify the Shift Supervisor. The Shift Supervisor shall request an Accident Reconstructionist to investigate the incident. If an Accident Reconstructionist is unavailable, contact should be made to the Maryland State Police Crash Team. The Shift Supervisor will ensure notification is made to the Patrol Commander.

501.4.1 NOTIFICATION OF FAMILY

In the event of a life-threatening injury or fatality, the Accident Reconstructionist responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic accident should not be released until notification is made to the victim's immediate family.

501.5 MINIMUM REPORTING REQUIREMENTS

Members will investigate, prepare and issue the proper reports/forms for collisions, if any of the following criteria is met:

- (a) The collision results in personal injury or fatality.
- (b) Damage occurs to a vehicle or property and any of the following conditions exist:
 - 1. There is damage to any vehicle to the extent that towing is required.
 - 2. The owner or operator of the vehicle/property is not available and unable to respond to the scene within a reasonable time.
 - 3. Any government vehicle or property is involved.
 - 4. An on-duty member of the Town of Easton is involved.
 - 5. Any public or privately owned school bus is involved and is transporting children, students, or teachers for educational purposes or authorized school activity.
 - 6. The operator's license and/or vehicle registration is improper/invalid.
 - 7. Fault can be determined and a citation for a traffic violation is issued.
 - 8. A vehicle involved was transporting hazardous materials.
 - 9. Hit and run collisions where a witness is available or where a description or partial description of the absent vehicle is available or when physical evidence exists as a basis for possibly identifying the striking vehicle and the collision is reported within a reasonable time.
 - 10. Notwithstanding the restrictions imposed elsewhere in this subsection, officers will investigate any motor vehicle collision if requested to do so by the operator or owner of any vehicle involved, provided the collision is reported in a timely fashion and if the circumstances of the collision are such that a reasonable investigation can be conducted.

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- (c) As directed by a supervisor.

Members will complete and issue an exchange of information form (EPD 79 or ACRS Exchange) to each party involved in all collisions.

501.5.1 PRIVATE PROPERTY

Generally, reports should not be taken when a traffic accident occurs on private property unless there is an injury or fatality, a hit-and-run violation or other traffic law violation. Members may provide assistance to motorists as a public service, such as exchanging information and arranging for the removal of the vehicles.

501.5.2 TOWN VEHICLE INVOLVED

Department members shall promptly notify a supervisor when any department vehicle is involved in a traffic accident.

A traffic accident report shall be taken when a Town vehicle is involved in a traffic accident that results in property damage or injury.

The traffic investigator or supervisor at the scene should determine what photographs should be taken of the scene and the vehicle damage.

501.5.3 INJURED ANIMALS

Department members should refer to the Animal Control Policy and make appropriate notifications when a traffic accident involves the disposition of an injured animal or when learning that a domestic animal has been struck by a vehicle (Md. Code TR § 20-106(b).)

501.6 INVESTIGATION

When a traffic accident meets minimum reporting requirements the investigation should include, at a minimum:

- (a) Identification and interview of all involved parties.
- (b) Identification and interview of any witnesses.
- (c) A determination of whether a violation of law has occurred and the appropriate enforcement action.
- (d) Identification and protection of items of apparent evidentiary value.
- (e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on the appropriate forms.

501.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY

The Patrol Commander, after consultation with the Deputy Chief, may request that the Maryland State Police (MSP) investigate and complete a traffic accident investigation when a life-threatening injury or fatal traffic accident/collision occurs within the jurisdiction of the Easton Police Department and involves:

- (a) An on- or off-duty member of the Department.

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- (b) An on- or off-duty official of the Town of Easton.

Department members shall promptly notify a supervisor when any department vehicle is involved in a traffic accident. The traffic accident investigation and report shall be completed by the agency having jurisdiction.

501.7 ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the accident, authorized members should issue a citation or arrest the offending driver, as appropriate.

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

501.8 REPORTS

Department members shall utilize the Maryland State Police Automated Crash Reporting System (ACRS) for the reporting of traffic accidents. All such reports shall be forwarded to the Shift Supervisor for approval, then forwarded to the Records Section for filing.

501.8.1 REPORT MODIFICATION

A change or modification of an ACRS report that alters a material fact in the report may be made only by the member who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by contacting the Patrol Commander, who may authorize the report to be re-opened for modification. Accident Reconstructionist's may modify their reports as necessary at their discretion.

A written supplemental report may be made by any authorized member.

501.8.2 PATROL COMMANDER RESPONSIBILITIES

The responsibilities of the Patrol Commander include, but are not limited to:

- (a) Ensuring the monthly and quarterly reports on traffic accident information and statistics are forwarded to the Chief of Police or other persons as required.
- (b) Forwarding traffic accident reports to the Maryland State Police (Md. Code TR § 20-107(f).)

501.9 DEPARTMENTAL VEHICLE ACCIDENTS

Members must comply with motor vehicle laws while operating police vehicles in both emergency and non-emergency conditions.

501.9.1 SUPERVISORS

- (a) Will conduct a thorough investigation of all departmental accidents occurring during their shift.
- (b) Complete all required injury reports if the member is injured as a result of the accident.

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- (c) Complete a "Supervisor's Motor Vehicle Accident Assessment" prior to the end of their tour of duty, which will include the following criteria:
 - 1. Name, rank, ID#, and years of service.
 - 2. AR number & complete description of accident.
 - 3. Cause(s)/at fault.
 - 4. Mitigating/contributing factors.
 - 5. Do the parties involved agree or disagree with the causes/fault of the accident as determined by the investigator?
 - 6. Make a determination if the accident was "preventable" or "non-preventable" by the member involved.
 - 7. List any violations of motor vehicle laws or Department policy and procedures by the member.
- (d) If the patrol supervisor is involved in the accident then the next senior ranking officer shall conduct the investigation and complete all required reports for the supervisor.

501.9.2 INVESTIGATIONS

Will comply with departmental disciplinary procedures and with the Law Enforcement Officers Bill of Rights.

501.9.3 INVOLVED MEMBER'S COMMANDER

- (a) Reviews the completed accident report and Supervisor's Motor Vehicle Assessment Report.
- (b) If the accident is classified non-preventable, take no further action.
- (c) If the accident is classified preventable:
 - 1. Review the member's departmental driving history.
 - 2. If it is the first or second preventable accident for a member, coordinate the possibility for driver remedial training with the training unit.
 - 3. Contact the Deputy Chief of Police to determine if disciplinary action is necessary. If discipline is deemed appropriate, current procedures for the disciplinary process will be followed.

501.9.4 DEPUTY CHIEF OF POLICE

- (a) Confers with the commander of the involved member regarding disciplinary action.
- (b) Tracks and monitors all departmental accidents and actions taken.

501.10 ACCIDENT RECONSTRUCTION UNIT

- (a) Supervised by a member appointed by the Chief of Police who shall report directly to the Patrol Commander.

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- (b) Members assigned to this unit will be required to possess and maintain advanced crash investigation training and skills.
- (c) Will investigate all motor vehicle accidents involving a life threatening injury or fatality and provide support to the patrol squads with motor vehicle accidents, as required.
- (d) Assignment to this unit is not a full-time duty assignment.